

Virginia
DOR
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

11. Will the purchasers of time-shares be offered membership in an exchange program?

No ☐

Yes ☐ If yes, is the exchange service an affiliate of the developer?

Yes ☐

No ☐

12. Location of each of the developer's offices within the Commonwealth of Virginia

Street Address	City & Zip Code	Manager's Name	Telephone Number
			- -
			- -
			- -
			- -

13. List any state or jurisdiction in which an application for registration or similar document, relating to this time-share has been filed.

14. Building Status: Are all improvement depicted on plats and site plan filed completed?

Yes ☐ If yes, please submit Exhibit E.

No ☐ If no, please provide the status of the following:

Zoning compliance

Site plan

Building permit

Site preparation and building construction

Sewage disposal permit

Provide the information requested below with regard to proposed improvements:

Anticipated cost of completion of improvements

Contract price, if any, with general contractor

Source of construction funds and amount from each source

If construction funds are or will be borrowed, state amount(s) for which loan commitment has been obtained from construction lender and amount(s) of loan proceeds not yet disbursed.

Attached copy of construction loan commitment.

Submit Exhibit

State whether construction loan has been funded, and if not, state reasons.

If any construction loan is to be obtained or if any construction funds are to be obtained by a capital contribution to the Developer, provide a financial statement or other evidence of the availability to such lender or contributor of the funds to be lent or the capital to be contributed.

Submit Exhibit

If any construction funds are to be obtained other than through a construction loan or a capital contribution, provide a financial statement or other evidence of availability to the Developer of the necessary funds.

Submit Exhibit

15. Has any court or regulatory authority in the jurisdictions listed in #13 entered any adverse order, judgment or decree in connection with the time-share project?
- No ☐
- Yes ☐ If yes, list the jurisdiction(s) in which the disciplinary action took place. Attach copies of any correspondence or documentation (including a copy of the order, judgment or decree) related to this matter. If necessary, you may attach a separate sheet of paper.
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16. A. Has the developer or any of the organization's officers or principals ever been convicted in any jurisdiction of **any felony**? *Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose violations that were adjudicated as a minor in the juvenile court system.*
- No ☐ Yes ☐ If yes, you must provide the information requested in #16.C.
- B. Has the developer or any of the organization's officers or principals ever been convicted in any jurisdiction of **any misdemeanor**? *Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose violations that were adjudicated as a minor in the juvenile court system.*
- No ☐ Yes ☐ If yes, you must provide the information requested in #16.C.
- C. If you answered "yes" to either question #16.A. or #16.B list the felony and/or misdemeanor conviction(s). Attach a copy of all applicable criminal conviction, state police and court records; information on the current status of incarceration, parole, probation, etc.; and any other information you wish to have considered with this application (i.e., reference letters, documentation of rehabilitation, etc.). If necessary, you may attach a separate sheet of paper.
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By signing this application, I, the developer or authorized agent for the developer, hereby execute and file with the Secretary of the Virginia Common Interest Community Board full and irrevocable authority to receive service of any lawful process in any non-criminal proceeding arising under Sections 55-79.360 through 55-400 of the *Code of Virginia* in the name of the applicant, either individually, or co-partners or members of the applicant in any of the courts of record of the Commonwealth of Virginia, and it is hereby stipulated and agreed that such service of such process on said Secretary shall be taken and held in all courts to be as valid and binding as if due service had been made upon the applicant, its partners and members personally within the Commonwealth of Virginia.

- 17 I, the undersigned developer or authorized agent for the developer, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I also certify that the company and company management will notify the Department if they are subject to any disciplinary action or convicted of any felony charges, misdemeanor charges or fair housing violations (in any jurisdiction) prior to becoming registered with the Commonwealth of Virginia. I also certify that the company and company management understand, and have complied with, all the laws of Virginia under the provisions of Title 55, Chapter 21 of the *Code of Virginia* and the *Virginia Common Interest Community Time-Share Regulations*, and I understand this affidavit.

Printed Name

Title

Signature

Date

Notarization

In the State of _____, City/County of _____, subscribed and sworn before me, the undersigned Notary Public in and for the City/County aforesaid this _____, day of _____, _____.

My commission expires the _____, day of _____, _____.

Affix official seal here.

Signature of Notary Public

Additional Documentation
(Label each exhibit as indicated.)

All exhibits must be submitted in both paper and electronic format.
Electronic format may be submitted on a CD or attached to an e-mail sent to cic@dpwr.virginia.gov.

- Exhibit A:** Attach a Certificate of Incorporation or Certificate of Authority to Transact Business in Virginia issued by the State Corporation Commission, or any other recording document.
- Exhibit B** A certificate of recordation or other acceptable documentation from the city or county wherein the time-share is located.
- Exhibit C** A copy of the title opinion, title policy or a statement of the condition of the title to the time-share project including encumbrances as of a specified date within 30 days of the date of application by a licensed attorney who is not a salaried employee, officer or director of the applicant or owner. If the Developer is not the record owner of the land, attach a copy of any contract he has executed to purchase the land, any option he holds for purchase of the land or any lease under which he holds the land.
- Exhibit D** Proof that the applicant or developer owns or has the right to acquire an estate in the land constituting or to constitute the time-share project which is of at least as great a degree and duration as the estate to be conveyed in the time-shares.
- Exhibit E** A statement of the zoning and other governmental regulations affecting the use of the time-share, including the site plans and building permits and their status, any existing tax and existing or proposed special taxes or assessments which affect the time-share.
- Exhibit F** Copies of the instruments, which will be delivered to a purchaser to evidence his interest in the time-share and of the contracts and other agreements, which a purchaser will be required to agree to or sign.
- Exhibit G** A narrative description of the promotional plan for the disposition of the time-share units.
- Exhibit H** A copy of the proposed public offering statement that complies with § 55-374 of the *Code of Virginia* and Parts V and VI of the *Virginia Common Interest Community Time-Share Regulations*.
- Exhibit I** Bonds required by §§ 55-375.C and 55-386 of the *Code of Virginia*.
- Exhibit J** A copy of any management agreements, employment contracts or other contracts or agreements affecting the use, maintenance or access of all or any part of the time-share project.
- Exhibit K** A list of the names of every officer of the developer or persons occupying a similar status within or performing similar functions for the developer. The list must include their residence addresses, principal occupation for the past five years, and their title.
- Exhibit L** A statement whether, during the preceding five years, whether any of the individuals or entities named in Exhibit K are or have been involved as defendants in any action before a federal, state, local or foreign court or administrative agency, including disciplinary proceeding before any governmental body or agency.
- Exhibit M** A statement whether, during the preceding five years, whether any of the individuals or entities named in Exhibit K have been adjudicated a bankruptcy or have undergone any proceeding for the relief of debtors.
- Exhibit N** Conversion time-share projects only must attach a copy of the notice required by § 55-374.D of the *Code of Virginia* and a certified statement that such notice shall be at the time of the registration of the conversion project, mailed or delivered to each of the tenants in the building or buildings for which the registration is sought.